IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16038 of 2004

Between:

1 Rayapati Satyanarayana, S/o Subba Rao,
R/o Kesavaram Village, Mandapeta Mandal,
East Godavari District
2 Rayipati Kasivisvanatham, S/o Subba Rao,
R/o Kesavaram Village, Mandapeta Mandal,
East Godavari District
3 Rayipati Suryanarayana, S/o Subba Rao,
R/o Kesavaram Village, Mandapeta Mandal,
East Godavari District

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Mandapeta, East Godavari District
2 The State of Andhra Pradesh, rep.by its Secretary, Department of Revenue, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the 1st respondent in trying to evict the petitioners from their Ac.0-30 cents of land in S.No.202, situated at Kesavaram Village, Mandapeta Mandal, East Godavari District, despite 'D' Form pattas granted to them assigning the said land in their favour on 31-08-1994 as illegal, arbitrary and violative of Art.14 of the Constitution of India and it is further consequentially prayed that this Hon'ble Court may be pleased to direct the respondents not to dispossess the petitioner from the said lands and it is alternatively prayed that this Honourable Court may be pleased to direct the respondents not to dispossess the petitioners from the said lands without following the due process of law such as the land acquisition Act, payment of Compensation,

and the law declared by this Hon'ble Court in Land Acquisition Officer-cum-Revenue Divisional Officer, Chevella Division, Hyderabad and others Vs. Mekala Pandu and others 2004(2) A.L.T.546 (L.B.) that provides for compensation and to pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.S.R.SANKU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The writ petition, filed on the mere apprehension that the respondents are trying to evict the petitioners, cannot be maintained. In fact, a notice dated 29.08.2004, has already been issued by the Mandal Revenue Officer, Mandapeta, to the petitioners informing that the Government land, which they have occupied, is required for distribution among the weaker sections, and calling upon them to produce evidence under what authority they can continue in possession of the property, for which the petitioners submitted their explanation on 01.09.2004.

In view of the same, it cannot be presumed that the respondents did not follow the due procedure for evicting the petitioners from the suit schedule property. Since, in the representation said to have been filed by the petitioners, they have not mentioned the date, they are at liberty to file a fresh application before the authorities

with all the evidence, including the “D-Form” patta granted in respect of the land and on receipt of such application, the respondents are under obligation to consider the same and pass appropriate orders only after following due procedure prescribed by law and communicate the same to the petitioners. If petitioners are not entitled to continue in possession of the suit schedule land, the respondents are at liberty to initiate proceedings for due eviction of the petitioners.

Accordingly the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J

Date: 09.09.2004

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To

1 The Mandal Revenue Officer, Mandapeta, East Godavari District
2 The Secretartm State of Andhra Pradesh,
Department of Revenue, Secretariat, Hyderabad

3 Two CCs to G. P for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)

4 Two CD Copies